

JAP:LAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT AND APPLICATION
FOR ARREST WARRANT

- against -

M. No. _____

JOHN MCHUGH,

(T. 18, U.S.C., §§
2252(a)(2) and 2252(b)(1))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS.:

ROBERT MANCENE, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On or about and between March 20, 2010, and April 19, 2011 within the Eastern District of New York, the defendant JOHN MCHUGH did knowingly and intentionally receive visual depictions that had been shipped or transported in or affecting interstate or foreign commerce, by any means including by computer, the production of such visual depictions having involved the use of

one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1)).

The source of my information and the grounds for my belief are as follows:¹

1. I have been employed as a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI") and its predecessor agencies since 1996 and am currently assigned to the New York Office, Child Exploitation Group ("CEG"). I have gained expertise in the conduct of such investigations through training in seminars and classes, daily work related to conducting these types of investigations, the execution of numerous search warrants including those relating to child pornography offenses, and through the subsequent prosecution of offenders.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law

¹ Because the purpose of this affidavit is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

THE INVESTIGATION

3. On or about March 19, 2010, the HSI/Cyber Crimes Center/Child Exploitation Section ("HSI/C3/CES") received information from the National Centre for Combating Pedophilia Online (Centro Nazionale per il Contrasto alla Pedopornografia On-line or C.N.C.P.O.) located within the Italian State Police Postal and Communication Service that identified a website offering access to child pornography images and/or video files. The website was identified by the domain name "liberalmorality.com." C.N.C.P.O. provided HSI/C3/CES with the corresponding URL: www.liberalmorality.com. On or about March 19, 2010, an HSI agent assigned to HSI/C3/CES, located in Fairfax, VA accessed the provided URL for the "liberalmorality.com" website. The HSI agent accessed the hyperlinks that appeared on the websites homepage. When the agent accessed the hyperlinks on the homepage, he/she was redirected to a second web page within the website. This web page allowed among other things visitors to post images, make comments, and view images. The majority of the images that were

found on these web pages contained what appeared to be child pornography. Examples of the videos, which are available for the Court's review, include the following:

- a. 1269022583449s.jpg: A still image file. The image depicts a prepubescent female spreading her legs and exposing her genitals to the camera.
- b. 1269022316819.jpg: A still image file. This image depicts two nude prepubescent females. The prepubescent female on the left is exposing her genitals to the camera. The prepubescent female on the right has her back to the camera and her arms around the prepubescent female on the left.

On or about April 20, 2010, an HSI/C3/CES agent obtained and executed a federal search warrant for the website located at URL <http://www.liberalmorality.com>. The agent was able to identify IP addresses used to access specific images on the website. JOHN MCHUGH was assigned an IP address at the time it was used to access child pornographic content on the liberalmorality.com website. The web access logs from the website indicate that the IP address assigned to JOHN MCHUGH at the relevant time revealed that the user accessed the website and obtained numerous visual depictions of minors engaged in sexually explicit conduct including but not limited to enlarged (full size) images depicting child pornography.

THE SEARCH OF THE DEFENDANT'S RESIDENCE

4. Based on the findings of this investigation, on April 19, 2011, HSI/CEG agents executed a search warrant for the

defendant JOHN MCHUGH'S residence in Long Island City, New York 11105-3923, issued by the Honorable United States Magistrate Viktor V. Pohorelsky of the Eastern District of New York. Defendant JOHN MCHUGH was present in the Subject Premises at the time of the search and stated that he lived at the residence for approximately three or four years. Inside the residence, computer equipment and other related items were discovered and seized by law enforcement personnel.

5. A preliminary search of the seized items revealed videos and images depicting child pornography. Examples of the videos, which are available for the Court's review, include the following:

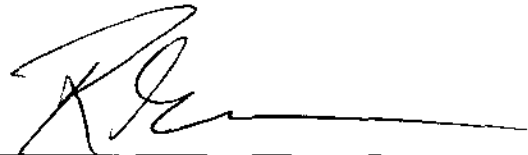
- a. Vicky-a2.mpg: This video is approximately seven minutes and nine seconds in length. The video begins with a naked prepubescent female lying on top of a naked adult male. The prepubescent female is performing oral sex on the adult male's penis. As the video progresses the adult male digitally penetrates the prepubescent girl's rectum. Subsequently, the adult male penetrates the child's rectum with his penis.
- b. TJ.Ford.9.mpg: This video is approximately fifty-five seconds in length. The video depicts a naked prepubescent female lying on her back sucking her thumb. An adult male's penis is penetrating her vagina. The toddler can be heard whining throughout the video and the adult male can be heard shushing her.
- c. (Pthc) 3years old jaar op bed denim.mpg: This video is approximately three minutes and eighteen seconds in length. The video begins with a prepubescent female wearing a blue denim dress and naked from the waist

down lying on a bed. The toddler has a pacifier in her mouth and is holding a stuffed animal. An adult male lifts up the toddler's dress exposing her genitals. The adult male then rubs the toddler's genitals and spreads them open with his fingers. The adult male then licks the toddler's genitals with his tongue. Eventually the adult male penetrates the toddler's genitals with his penis.

6. The first video described above, in paragraph 5(a), contains a video of a child who has been identified by the National Center for Missing and Exploited Children ("NCMEC").

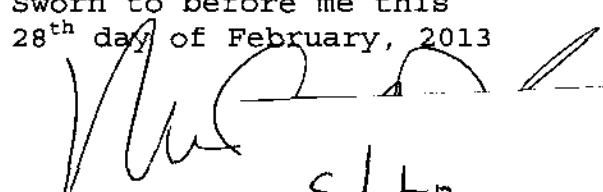
7. On April 19, 2011, during the execution of the search warrant at the Subject Premises, agents with HSI spoke with the defendant JOHN MCHUGH. JOHN MCHUGH admitted, in sum and substance, and in relevant part, that he has searched for and downloaded child pornography. JOHN MCHUGH acknowledged that he knew that child pornography was illegal.

WHEREFORE, Your affiant respectfully requests that the Court issue an arrest warrant for the defendant JOHN MCHUGH so that he may be dealt with according to law.



ROBERT MANCENE
Special Agent
Homeland Security Investigations

Sworn to before me this
28th day of February, 2013



THE HONORABLE
UNITED STATES
EASTERN DISTI

S/b